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33498 7590 12/08/2008 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Remarks

Applicant's arguments filed on 12/01/2008 have been fully considered but they are not persuasive.

Relating to Claim 1:

In view of the fact, that **BONTA** teaches, "In other words, a variety of criteria may be used to determine how many BTSs having the first successful connections, may be used. The simulations performed for application of the third, or "first pass" algorithm, may be repeated **under various load conditions** in order to further prune or enhance the handover neighbor list. This approach will provide handover coverage for the substantial majority of situations which may possibly be encountered in a radiotelephone system. In addition, this approach allows for interference variables to be considered, thus eliminating marginal neighboring BTSs from being added to the handover neighbor list. Moreover, simulations may be performed using a variety of traffic channels assigned to a source BTS, again, to eliminate marginal neighboring BTSs, or to identify frequency planning problems that may impact selection of neighboring BTSs for the handover neighbor list and subsequent call quality; (Col.10; 21-40). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for handover candidate **based on real time measurement of load conditions**, (as contrast to applicant's disclosed specification in ¶ 0016 of US 20050239466) anticipated by **BONTA**. Hence, it is believed that **BONTA** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617